

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Engineer Lannon; Building Inspector Masters, Highway Superintendent Janese; Police Chief Previte; Recreation Director Dashineau; 2 Press; 29 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA APPROVAL

Addition requests: Broderick – RFP- Grant Writer; Bax – Neighborhood Watch / grant - skid steer.

Geiben MOVED to approve the agenda as amended, Seconded by Bax and Carried 5 – 0.

TWO-MINUTE STATEMENT – RESIDENTS

Glasgow – Paulette – The Circle - In a democratic society the value of localness and accountability go by the name of transparency. For transparency to function there must be three separate values that all work together. Informational, participatory and accountability.

Informational transparency provides to the public the information on how government makes decisions along with how those decisions were made.

Participatory transparency give to the public the ability to act on that information by participating in the decision making process.

Accountability transparency, to Glasgow is the most important. Once a public official makes a decision they must take responsibility for that decision. Should that decision violate the law, or adversely affect the public's interest, they must be held accountable.

For too long the citizens of Lewiston have had public officials who have had a problem understanding the concept of transparency, openness and accountability. For that reason a group of Lewiston residents have come together to form an organization that will hold public officials accountable, and in the process bring transparent government back to Lewiston.

The Taxpayers Accountability and Action Alliance was formed to hold public officials accountable for their actions while educating the public on how their representatives made those decisions and for whom.

The Alliance's goal is to encourage all Lewiston residents to speak out on the issues affecting the community and the quality of life. No one in government should ever think the citizens they work for will not, or cant, scrutinize their actions.

Ronald Reagan said "every individual, whether in the public or private sector must be held accountable for their actions".

Gerlach, John – Riverwalk Drive – Gerlach is a New York State licensed Civil Engineer, with 34 years at the Army Corp of Engineers. Currently a residential engineer on a construction project for the City of New York. There is an ongoing construction project on Riverwalk and Lower River Road and up until sometime this afternoon the site has not been maintained. Dirt and mud are brought off the site onto Riverwalk Drive and Lower River Road.

Gerlach also noticed the vehicles, when parked at night have no secondary containment. If the vehicles were to rupture a hydraulic line there is no projection.

Gerlach is required by DEC to keep his construction sites pristine and he can only demand that this site on Riverwalk also be kept in such a manner.

Lyle, Steve – Lower River Road – Lyle finds Glasgow's comments interesting regarding transparency. Lyle will go back again, to January 26, 2015, to the piping situation. It has been

asked several times when it will be done and who will be paying for it. The December 14, 2015 Work Session minutes state the Engineer spoke with the developer and they are in the process of drafting an agreement to be submitted.

The January 11, 2016 Work Session states they will commit to the paving of the unpaved portion of Riverwalk in an escrow agreement. Where does this stand? What is the Town paying for? This is after several statements the Town will not spend a dime in Riverwalk.

Broderick invited Lyle to contact him in the morning to discuss this. Broderick has contacted Engineer Duane Fredericks. Lyle asked this be discussed with all, not just himself and Broderick.

Conrad said the paving was an issue that came up with a new developer. This is a separate matter from the pipe.

Broderick said he will be working with Mr. Frederick the Engineer on this. The homeowners are the first and foremost interest in getting this completed.

Davis, Elizabeth – Riverwalk Drive – Davis is disheartened to learn of Mr. Catalano's appointment as Assistant Town Attorney and his familiar ties with Mr. Wolfgang. We all know Mr. Wolfgang is developing French Landing. Davis is very surprised the Town would risk even the appearance of impropriety. Was this situation ever addressed by the Ethics Committee?

Broderick said this is the resident's opportunity to talk.

Davis said she applied, in 2016, to be a member of the Ethics Committee. No acknowledgement of the receipt of her application was received. Where does the appointments to all the committees and Boards stand.

Broderick said Davis will receive an acknowledgement. So many applications have been received. Broderick will be calling and talking to all applicants.

Broda, Maryann – Lower River Road – Broda read a letter from the members of the Taxpayers Accountability and Action Alliance

In your Board's meeting minutes of March 23, 2105, then Board member William Conrad, reported on successful negotiations with Time Warner to provide cable services to the Town of Lewiston. Among the service TW agreed to provide was a one-time advance of \$9,210 for audiovisual equipment for PEG access programming (Public, Educational and Governmental Access Channels) This will be used for the production and broadcast of Lewiston public interest and Town government programs on the Time Warner PEG channels.

As residents of the Town of Lewiston, committed to keeping residents informed of all those issues affecting our community and quality of life, we are writing to request that you utilize the one-time grant to secure training and equipment to allow Town Board meetings to be broadcast on TW Governmental Access Channels.

We understand that this was indeed the purpose of this one-time grant and respectfully request that the plan be put into practice as soon as possible, to provide Lewiston residents with a convenient means to keep abreast of the decisions and activities of their elected officials.

We are asking this letter become part of the record of the Monday, January 25, 2016 meeting and that you authorize Supervisor Broderick to respond to this letter by February 8, 2016. Thank you for your attention to this matter.

Broderick said the letter has been received and will become part of the minutes. Broderick met with Cable Commission Chairman Abbondanza, and this is being finalized and the check is forthcoming.

Correa, Ellen – Riverwalk Drive – Correa is also a member of the Taxpayers Accountability and Action Alliance, and joined this group because she believes democracy works best when people are knowledgeable about and are involved in government.

Correa began attending Board meetings last summer and has since become more and more concerned with the secrecy involved in the approval and over-site process for the French Landing development, and the way the concerns of neighboring residents have been ignored or dismissed.

At the meeting of December 28, 2015 a resident spoke, with concerns, that work on the project had begun without the required permits being submitted. Her concerns were displaced by then Acting Supervisor Winkley told her that a permit is not required to cut down trees. Two days later the project was halted by the DEC for what the Sentinel called sentiment control issues.

What kind of harm has been done to the environment as a result of the lack of oversight by the Town? Will the Town, and thereby the taxpayers be fined as a result as to not adhering to this law? Is each Board member assured that the developer has now submitted to the Town Clerk all of the permits, bonds and insurance required by law?

Correa believes the residents of Lewiston are entitled to the answers to these questions, and appeals to the Board to listen to the citizens when asking a question or raising a concern. The Board needs to take actions to ensure all laws and policies are followed in regards to this project and all Town of Lewiston businesses.

Correa, Nancy – Riverwalk Drive – Correa is also a member of the Taxpayers Accountability and Action Alliance, and has spoken before the Board several times regarding the secrecy and lack of accountability that surrounded the French Landing project. Many other citizens have expressed their concerns.

Correa asks the Board to take an action that will demonstrate they are listening and care about the questions and concerns raised by the people the Board serves.

Correa asks the Board to request the developer of French Landing to convene an open meeting so they can respond to the questions and concerns. This is not an unreasonable request. Many private developers hold such meetings to address residents concerns.

A Public Hearing was held this past summer, and the Board can not force Mr. Wolfgang to do this, however, since the public hearing doesn't allow for a question and answer discussion, it is hoped that Mr. Wolfgang will have the integrity to respond to his neighbors and take the opportunity to assure that this project will not exacerbate flooding problems, nor harm the environment in any way.

Since Mr. Wolfgang is the Chairman of the Lewiston Environmental Commission, it is hoped that he can demonstrate that he is holding his own project to the same standards that he would hold any other development project submitted for review by the Commission.

A column appeared in today's Niagara Gazette criticizing the Niagara County Legislature for a pattern of secret meetings that is contrary to the democratic process, which depends on public knowledge and discussion of government issues. Taking action to request this questions & answers session with the developer will demonstrate your commitment to open and honest government, and to serving the best interests of your constituents.

TWO-MINUTE STATEMENT – DEPARTMENT HEADS

Town Clerk Garfinkel

HVAC Bid – The Board requested the Clerk forward a letter to each bidder requesting insurance, workers compensation and references. All three companies have returned these documents.

Morreale feels it is excessive to have maintenance done four times a year. Spring and Fall would be enough.

Seaman said this is a matter within the procurement policy, and does not require a sealed bid. If the Board wishes, they can ask the companies to revise.

Lannon said the units at the Senior Center are new, and here at Town Hall are not that old, so Spring and Fall would be fine.

Geiben suggested the Clerk call the companies requesting the cost of two maintenance service calls and any necessary on-call service.

Garfinkel requested an executive session for a discussion concerning employment of a particular individual and consultation with attorneys.

Garfinkel updated the Board on the Building Maintenance position. The vacancy was posted for 5-days in-house, then advertised in the Gazette and Sentinel. Applications were received until the 22nd, with interviews to be held this week. Masters will participate in the interview because of his knowledge of other avenues the position will take.

Town Hall will be open on Saturday, January 30th from 10 – 2 pm for tax payments.

Police Chief Previte

December 26, 2015 – January 24, 2016 report: 180 – traffic tickets; 30 – arrests; 23 – Accidents: Total of 879 calls for service.

Previte spoke with Janese regarding Harper, Tryon and 5th Street Extension. This will be treated as a T-intersection. There will be a stop sign placed on the 5th Street side and at Lower River Road.

Highway Superintendent Janese

Electronic Drop-Off – Saturday, January 30th – 9 am – 2:30 pm at the highway garage.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve TB Work Session – 12/14/2015 and RTBM – Final Audit 12/28/2015, Seconded by Ceretto and Carried 5 – 0.

Geiben requested the minutes of January 4, 2016, Reorganization Meeting reflect that Attorney Seaman and Attorney Catalano are Attorneys for the Town, not Town Attorney.

Geiben MOVED to approve the Reorganization Meeting – 1/4/2016 and TB Work Session – 1/11/2016, Seconded by Bax and Carried 5 – 0.

AUDIT PAYMENT

Ceretto MOVED to approve the regular abstract of claims numbered 8583 to 8628 (2015), and 16 to 159 (2016) and recommended payment in the amount of \$266,287.17, Seconded by Geiben and Carried 5 – 0.

OLD BUSINESS

Broderick said he is working on the remaining Boards/Commission appointments. Geiben requested permission to contact Cable Commission members to see if they would like to be reappointed. Broderick said yes.

NEW BUSINESS – Clerk's Correspondence

A letter was submitted by members of the Taxpayers Accountability and Action Alliance, which has already been read into the record during the residents comment period.

Bax recalls the Board meetings being televised with a cost to the Town. Bax does think it is a good idea. After this was no longer done, the Town put out a newsletter. Broderick will research.

Geiben said the Cable Commission meets on an as needed basis. It has not been determined if these funds are used for equipment for the Town, belong to the studio, or used by the students. Broderick said it is the Town's equipment to be utilized by the schools.

Geiben will have information for the Board at the next Board meeting.

Bax MOVED to forward the letter from the residents to the Cable Commission, Seconded by Geiben and Carried 5 – 0. Clerk pointed out there is no commission.

Bax MOVED to amend his motion to refer this to the Cable Commission as it is to be generated, Seconded by Geiben and Carried 5 – 0.

SUPERVISOR BRODERICK

2016 Association of Town Resolutions - The Board needs to approve the resolutions that will be voted on at the Association of Towns meeting in February.

Broderick MOVED approval of the following resolutions: Res. #1 – Funding for Local Roads and Bridges; Res. #2 – Adopt Five-Year Capital Transportation Plan; Res. #3 – Reform the Tax Cap Formula; Res. #4 – Strengthening State Relations Mandate Relief & Revenue Sharing; Res. #5 – Increase Justice Court Funding; Res. #6 – Amend the Electronic Equipment Recycling and Reuse Act; Res. #7 – Neighborhood Stabilization and Maintenance of Abandoned homes; Res. #8 – Reform the Real Property Tax System; Res. #9 – State Assistance Needed for Communities in Adirondack Park; Resolution # 10 – Preserver and Strengthen Home Rule.

Geiben said the Association of Towns distributes a position page on the resolutions. It was suggested the Board give Broderick an “open hand” to peruse the Resolutions at the time.

Bax MOVED the resolutions as drafted and authorize the Supervisor to vote at the meeting, if changes occur, Seconded by Geiben and Carried 5 – 0.

Greenway Resolution – Artpark Programming

Geiben MOVED to approve the Artpark Programming submission to the Greenway Commission, Seconded by Bax and Carried 5 – 0.

Clerk read the Resolution into the record:

WHEREAS, the Town Board desires to use the Town of Lewiston’s Niagara River Greenway funds to sponsor Artpark’s Interactive Children and Family Festivals and Programming Project.

WHEREAS, the Town Board desires to apply and request funding from the Niagara River Greenway Host Standing Committee, and

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application to the Niagara River Greenway Commission for Artpark’s Interactive Children and Family Festivals and Programming Project in the amount of \$100,000, and

RESOLVED, that Steve Broderick, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file an application for funds from the Niagara River Greenway Commission, and execute a project agreement for the proposed Artpark’s Interactive Children and Family Festivals and Programming Project.

Geiben requested Rotella forward the protocol/process of submission of applications to the Greenway Commission.

Legal – Nothing to report.

Engineering

Muck-Land Pump - This pump drains approximately 1,800 acre of property located south of Upper Mountain, west of Bridgeman and north of Saunders Settlement. Two pumps drain the water.

One pump has recently been rebuilt and the other is over 30-years old. The previous Board had authorized Lannon to proceed with a design for a replacement pump. At that time, quotes were estimated at \$40,000.

Once into the design and due to the antiquated equipment, motor and motor controller, the expense had risen from between \$100,000 to \$120,000. Lannon spoke to Rotella and there may be grant

monies available. Lannon is asking the Board for a direction; should it be bid, or wait to see if there is grant funding?

Blazick said this is the pump that's not working. When originally discussed, it was for repair of the pump versus the purchase of a new one. In regards to the hydro-monies, \$40,000 was placed in the 2015 allocation plan, and the same should be for 2016.

Lannon said the sooner the better for a decision. If the Board decides on a new pump, with there being 8,000 gallons of water pumped a minute, a custom made pump could take 180 days.

Geiben suggested Lannon work with Rotella to write the grant in a way it can be done. Geiben also questions if the pump can be ordered while still writing the grant.

Lannon said the Town can bid the project as a furnish and install; or set it to a procurement. The Town could procure the pump then have it installed by either the Town or an outside contractor. Lannon will report back to the Board.

Finance

Blazick requests the creation of 2 accounts to budget Hydro-Money – one in H-44 and one in H-59.

Bax MOVED to authorize Blazick to create account H-44-1000-1189-000 and H-59-1000-1189-0000, for the accounting of Hydro Monies, Seconded by Geiben and Carried 5 – 0.

In September there was a water-main break on County Club Trail. There had since been a second break and the bill has been received from Kandey Company. Blazick requests approval of the fund to pay.

Geiben MOVED for approval the payment to Kandey Company in the amount of \$27,668.80, out of H-97-7140-0400, Seconded by Bax for discussion

Seaman recalls a resolution authorizing the company, under an emergency provision, to do the work. With this not being part of the original resolution, Seaman suggests the Board make a finding that it too was an emergency and impractical to go out to bid or seek proposals.

Geiben MOVED to amend the Motion to include the Boards understanding this was endangering Town infrastructure and needed to be repaired immediately, Seconded by Bax and Carried 5 – 0.

RFP's – Grant Writer

At the reorganization meeting the Board chose to go out to RFP's for the Town Grant Writer. Broderick and Geiben met with Bernie Rotella – Grant Writer. With all going on in 2016; it was decided to address this in September or October. The RFP process will begin then.

Broderick removes the solicitation of RFP's for the Grant Writer.

Broderick MOVED to name Bernie Rotella - Town Grant Writer for 2016, Seconded by Bax and Carried 5 – 0.

COUNCILMAN BAX

At the last Board meeting Geiben and Bax addressed a resolution regarding the Niagara Falls Storage Site remediation.

Bax MOVED the following: RESOLVED, that the Town Board of the Town of Lewiston, County of Niagara, State of New York hereby gives its full support of the U.S. Army Corps of Engineers' proposed plan for the Interim Waste Containment Structure (IWCS), Alternative 4 for removal of the entire contents of the interim waste containment storage cells from the Niagara Falls Storage Site (NFSS), as soon as possible, which is located on Pletcher Road in the Town of Lewiston; and BE IT FURTHER RESOLVED, that copies of said Resolution be sent

to U.S. Senators Charles Schumer and Kirsten Gillibrand; Representative Chris Collins; Senator Robert Ort and Assemblyman John Ceretto, Seconded by Geiben and Carried 5 – 0.

Bax spoke with to Rotella regarding a grant that is available for a Bobcat Skid Steer Loader for approximately \$17,500.

Bax MOVED to authorize the Supervisor to sign the grant application for the Bobcat Skid Steer Loader, Seconded by Geiben and Carried 5 – 0.

Bax said, in keeping with Lewiston being one of the top 25 safest communities in the State, has been in discussions with Chief Previte regarding a Neighborhood Watch Program. This program is for residents to volunteer their names, confidentially, stating they have camera surveillance around their homes. In the event of criminal activity they accept to help the police using their camera footage. This would be a wonderful tool for our officers. Updates forthcoming from Bax and Previte.

COUNCILWOMAN CERETTO

Attended Lewiston Fire Co. #2 installation dinner. They are always looking for new volunteers.

COUNCILMAN GEIBEN

Geiben attended the information meeting regarding the Stella Preserve. Geiben said the plan is 29 acres of a great opportunity to interact with nature. The group is very conscientious in what they are doing.

The Lewiston Library will celebrate 25 years for the new building on Saturday, January 30 from 2 – 4 pm. All are welcome to come out and celebrate.

Geiben attended a meeting regarding the Lewiston-Queenston Bridge. This is a positive direction for the community.

The Zoning Board of Appeals did not meet this month due to lack of agenda items.

COUNCILMAN MORREALE

The Planning Board had a meeting on the Hickory Stick Golf Course Club House addition. Lannon was present at the meeting and requested some clarifications on a few items on the site plan. The application is for a locker room and additional offices adjacent to the existing facility.

Bax MOVED to enter into Executive Session to discuss employment of a particular person, Seconded by Geiben and Carried 5 – 0. (7:01 pm)

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Town Attorneys Seaman & Catalano and Clerk Donna Garfinkel

Discussion concerning employment of a particular individual and consultation with attorneys.

Bax MOVED to exit Executive Session, Seconded by Geiben and Carried 5 – 0. (7:28 pm)

Bax MOVED to adjourn the Town Board meeting, Seconded by Geiben and Carried 5 – 0. (7:28)

Transcribed and
Respectfully Submitted by:

Donna R. Garfinkel
Town Clerk